

1 AMENDMENT TO HOUSE BILL 582

2 AMENDMENT NO. _____. Amend House Bill 582 by replacing
3 the title with the following:

4 "AN ACT in relation to public employee benefits."; and
5 by replacing everything after the enacting clause with the
6 following:

7 "Section 5. The Illinois Pension Code is amended by
8 changing Sections 4-109.1, 4-109.2, and 4-114 as follows:

9 (40 ILCS 5/4-109.1) (from Ch. 108 1/2, par. 4-109.1)
10 Sec. 4-109.1. Increase in pension.

11 (a) Except as provided in subsection (e), the monthly
12 pension of a firefighter who retires after July 1, 1971 and
13 prior to January 1, 1986, shall, upon either the first of the
14 month following the first anniversary of the date of
15 retirement if 60 years of age or over at retirement date, or
16 upon the first day of the month following attainment of age
17 60 if it occurs after the first anniversary of retirement, be
18 increased by 2% of the originally granted monthly pension and
19 by an additional 2% in each January thereafter. Effective
20 January 1976, the rate of the annual increase shall be 3% of
21 the originally granted monthly pension.

1 (b) The monthly pension of a firefighter who retired
2 from service with 20 or more years of service, on or before
3 July 1, 1971, shall be increased, in January of the year
4 following the year of attaining age 65 or in January 1972, if
5 then over age 65, by 2% of the originally granted monthly
6 pension, for each year the firefighter received pension
7 payments. In each January thereafter, he or she shall
8 receive an additional increase of 2% of the original monthly
9 pension. Effective January 1976, the rate of the annual
10 increase shall be 3%.

11 (c) The monthly pension of a firefighter who is
12 receiving a disability pension under this Article shall be
13 increased, in January of the year following the year the
14 firefighter attains age 60, or in January 1974, if then over
15 age 60, by 2% of the originally granted monthly pension for
16 each year he or she received pension payments. In each
17 January thereafter, the firefighter shall receive an
18 additional increase of 2% of the original monthly pension.
19 Effective January 1976, the rate of the annual increase shall
20 be 3%.

21 (c-1) On January 1, 1998, every child's disability
22 benefit payable on that date under Section 4-110 or 4-110.1
23 shall be increased by an amount equal to 1/12 of 3% of the
24 amount of the benefit, multiplied by the number of months for
25 which the benefit has been payable. On each January 1
26 thereafter, every child's disability benefit payable under
27 Section 4-110 or 4-110.1 shall be increased by 3% of the
28 amount of the benefit then being paid, including any previous
29 increases received under this Article. These increases are
30 not subject to any limitation on the maximum benefit amount
31 included in Section 4-110 or 4-110.1.

32 (c-2) On January 1, 2004, every pension payable to or on
33 behalf of a minor or disabled surviving child that is payable
34 on that date under Section 4-114 shall be increased by an

1 amount equal to 1/12 of 3% of the amount of the pension,
2 multiplied by the number of months for which the benefit has
3 been payable. On each January 1 thereafter, every pension
4 payable to or on behalf of a minor or disabled surviving
5 child that is payable under Section 4-114 shall be increased
6 by 3% of the amount of the pension then being paid, including
7 any previous increases received under this Article. These
8 increases are not subject to any limitation on the maximum
9 benefit amount included in Section 4-114.

10 (d) The monthly pension of a firefighter who retires
11 after January 1, 1986, shall, upon either the first of the
12 month following the first anniversary of the date of
13 retirement if 55 years of age or over, or upon the first day
14 of the month following attainment of age 55 if it occurs
15 after the first anniversary of retirement, be increased by
16 1/12 of 3% of the originally granted monthly pension for each
17 full month that has elapsed since the pension began, and by
18 an additional 3% in each January thereafter.

19 The changes made to this subsection (d) by this
20 amendatory Act of the 91st General Assembly apply to all
21 initial increases that become payable under this subsection
22 on or after January 1, 1999. All initial increases that
23 became payable under this subsection on or after January 1,
24 1999 and before the effective date of this amendatory Act
25 shall be recalculated and the additional amount accruing for
26 that period, if any, shall be payable to the pensioner in a
27 lump sum.

28 (e) Notwithstanding the provisions of subsection (a),
29 upon the first day of the month following (1) the first
30 anniversary of the date of retirement, or (2) the attainment
31 of age 55, or (3) July 1, 1987, whichever occurs latest, the
32 monthly pension of a firefighter who retired on or after
33 January 1, 1977 and on or before January 1, 1986 and did not
34 receive an increase under subsection (a) before July 1, 1987,

1 shall be increased by 3% of the originally granted monthly
2 pension for each full year that has elapsed since the pension
3 began, and by an additional 3% in each January thereafter.
4 The increases provided under this subsection are in lieu of
5 the increases provided in subsection (a).

6 (Source: P.A. 90-32, eff. 6-27-97; 91-466, eff. 8-6-99.)

7 (40 ILCS 5/4-109.2) (from Ch. 108 1/2, par. 4-109.2)

8 Sec. 4-109.2. Minimum pension.

9 (a) Beginning January 1, 1984, the minimum disability
10 pension granted under Section 4-110 or 4-111, the minimum
11 surviving spouse's pension, and the minimum retirement
12 pension granted to a firefighter with 20 or more years of
13 creditable service, shall be \$300 per month, without regard
14 to whether the death, disability or retirement of the
15 firefighter occurred prior to that date.

16 Beginning July 1, 1987, the minimum retirement pension
17 payable to a firefighter with 20 or more years of creditable
18 service, the minimum disability pension payable under Section
19 4-110 or 4-111, and the minimum surviving spouse's pension
20 shall be \$400 per month, without regard to whether the death,
21 retirement or disability of the firefighter occurred prior to
22 that date.

23 Beginning July 1, 1993, the minimum retirement pension
24 payable to a firefighter with 20 or more years of creditable
25 service and the minimum surviving spouse's pension shall be
26 \$475 per month, without regard to whether the firefighter was
27 in service on or after the effective date of this amendatory
28 Act of 1993.

29 (b) Beginning January 1, 1999, the minimum retirement
30 pension payable to a firefighter with 20 or more years of
31 creditable service, the minimum disability pension payable
32 under Section 4-110, 4-110.1, or 4-111, and the minimum
33 surviving spouse's pension shall be \$600 per month, without

1 regard to whether the firefighter was in service on or after
2 the effective date of this amendatory Act of the 91st General
3 Assembly.

4 In the case of a pensioner whose pension began before the
5 effective date of this amendatory Act and is subject to
6 increase under this subsection (b), the pensioner shall be
7 entitled to a lump sum payment of the amount of that increase
8 accruing from January 1, 1999 (or the date the pension began,
9 if later) to the effective date of this amendatory Act.

10 (c) Beginning January 1, 2000, the minimum retirement
11 pension payable to a firefighter with 20 or more years of
12 creditable service, the minimum disability pension payable
13 under Section 4-110, 4-110.1, or 4-111, and the minimum
14 surviving spouse's pension shall be \$800 per month, without
15 regard to whether the firefighter was in service on or after
16 the effective date of this amendatory Act of the 91st General
17 Assembly.

18 (d) Beginning January 1, 2001, the minimum retirement
19 pension payable to a firefighter with 20 or more years of
20 creditable service, the minimum disability pension payable
21 under Section 4-110, 4-110.1, or 4-111, and the minimum
22 surviving spouse's pension shall be \$1000 per month, without
23 regard to whether the firefighter was in service on or after
24 the effective date of this amendatory Act of the 91st General
25 Assembly.

26 (e) Beginning January 1, 2004, the minimum retirement
27 pension payable to a firefighter with 20 or more years of
28 creditable service, the minimum disability pension payable
29 under Section 4-110, 4-110.1, or 4-111, and the minimum
30 surviving spouse's pension shall be \$1030 per month, without
31 regard to whether the firefighter was in service on or after
32 the effective date of this amendatory Act of the 93rd General
33 Assembly.

34 (f) Beginning January 1, 2005, the minimum retirement

1 pension payable to a firefighter with 20 or more years of
2 creditable service, the minimum disability pension payable
3 under Section 4-110, 4-110.1, or 4-111, and the minimum
4 surviving spouse's pension shall be \$1060.90 per month,
5 without regard to whether the firefighter was in service on
6 or after the effective date of this amendatory Act of the
7 93rd General Assembly.

8 (g) Beginning January 1, 2006, the minimum retirement
9 pension payable to a firefighter with 20 or more years of
10 creditable service, the minimum disability pension payable
11 under Section 4-110, 4-110.1, or 4-111, and the minimum
12 surviving spouse's pension shall be \$1092.73 per month,
13 without regard to whether the firefighter was in service on
14 or after the effective date of this amendatory Act of the
15 93rd General Assembly.

16 (h) Beginning January 1, 2007, the minimum retirement
17 pension payable to a firefighter with 20 or more years of
18 creditable service, the minimum disability pension payable
19 under Section 4-110, 4-110.1, or 4-111, and the minimum
20 surviving spouse's pension shall be \$1125.51 per month,
21 without regard to whether the firefighter was in service on
22 or after the effective date of this amendatory Act of the
23 93rd General Assembly.

24 (i) Beginning January 1, 2008, the minimum retirement
25 pension payable to a firefighter with 20 or more years of
26 creditable service, the minimum disability pension payable
27 under Section 4-110, 4-110.1, or 4-111, and the minimum
28 surviving spouse's pension shall be \$1159.27 per month,
29 without regard to whether the firefighter was in service on
30 or after the effective date of this amendatory Act of the
31 93rd General Assembly.

32 (Source: P.A. 91-466, eff. 8-6-99.)

33 (40 ILCS 5/4-114) (from Ch. 108 1/2, par. 4-114)

1 Sec. 4-114. Pension to survivors. If a firefighter who
2 is not receiving a disability pension under Section 4-110 or
3 4-110.1 dies (1) as a result of any illness or accident, or
4 (2) from any cause while in receipt of a disability pension
5 under this Article, or (3) during retirement after 20 years
6 service, or (4) while vested for or in receipt of a pension
7 payable under subsection (b) of Section 4-109, or (5) while a
8 deferred pensioner, having made all required contributions, a
9 pension shall be paid to his or her survivors, based on the
10 monthly salary attached to the firefighter's rank on the last
11 day of service in the fire department, as follows:

12 (a) To the surviving spouse, a monthly pension of 40% of
13 the monthly salary, and to the guardian of any minor child or
14 children including a child which has been conceived but not
15 yet born, 12% of such monthly salary for each such child
16 until attainment of age 18 or until the child's marriage,
17 whichever occurs first. Beginning July 1, 1993, the monthly
18 pension to the surviving spouse shall be 54% of the monthly
19 salary for all persons receiving a surviving spouse pension
20 under this Article, regardless of whether the deceased
21 firefighter was in service on or after the effective date of
22 this amendatory Act of 1993.

23 Beginning January 1, 2004, the total monthly pension
24 payable under this paragraph (a) to the surviving spouse of a
25 firefighter who died while receiving a retirement pension,
26 including any amount payable on account of children, shall be
27 no less than 100% of the monthly retirement pension that the
28 deceased firefighter was receiving at the time of death,
29 including any increases under Section 4-109.1. This minimum
30 applies to all such surviving spouses who are eligible to
31 receive a surviving spouse pension, regardless of whether the
32 deceased firefighter was in service on or after the effective
33 date of this amendatory Act of the 93rd General Assembly, and
34 notwithstanding any limitation on maximum pension under

1 paragraph (d) or any other provision of this Article.

2 The pension to the surviving spouse shall terminate in
3 the event of the surviving spouse's remarriage prior to July
4 1, 1993; remarriage on or after that date does not affect the
5 surviving spouse's pension, regardless of whether the
6 deceased firefighter was in service on or after the effective
7 date of this amendatory Act of 1993.

8 The surviving spouse's pension shall be subject to the
9 minimum established in Section 4-109.2.

10 (b) Upon the death of the surviving spouse leaving one
11 or more minor children, to the duly appointed guardian of
12 each such child, for support and maintenance of each such
13 child until the child reaches age 18 or marries, whichever
14 occurs first, a monthly pension of 20% of the monthly salary.

15 (c) If a deceased firefighter leaves no surviving spouse
16 or unmarried minor children under age 18, but leaves a
17 dependent father or mother, to each dependent parent a
18 monthly pension of 18% of the monthly salary. To qualify for
19 the pension, a dependent parent must furnish satisfactory
20 proof that the deceased firefighter was at the time of his or
21 her death the sole supporter of the parent or that the parent
22 was the deceased's dependent for federal income tax purposes.

23 (d) The total pension provided under paragraphs (a), (b)
24 and (c) of this Section shall not exceed 75% of the monthly
25 salary of the deceased firefighter (1) when paid to the
26 survivor of a firefighter who has attained 20 or more years
27 of service credit and who receives or is eligible to receive
28 a retirement pension under this Article, or (2) when paid to
29 the survivor of a firefighter who dies as a result of illness
30 or accident, or (3) when paid to the survivor of a
31 firefighter who dies from any cause while in receipt of a
32 disability pension under this Article, or (4) when paid to
33 the survivor of a deferred pensioner. For all other
34 survivors of deceased firefighters, the total pension

1 provided under paragraphs (a), (b) and (c) of this Section
2 shall not exceed 50% of the retirement annuity the
3 firefighter would have received on the date of death.

4 The maximum pension limitations in this paragraph (d) do
5 not control over any contrary provision of this Article
6 explicitly establishing a minimum amount of pension or
7 granting a one-time or annual increase in pension.

8 (e) If a firefighter leaves no eligible survivors under
9 paragraphs (a), (b) and (c), the board shall refund to the
10 firefighter's estate the amount of his or her accumulated
11 contributions, less the amount of pension payments, if any,
12 made to the firefighter while living.

13 (f) An adopted child is eligible for the pension
14 provided under paragraph (a) if the child was adopted before
15 the firefighter attained age 50.

16 (g) If a judgment of dissolution of marriage between a
17 firefighter and spouse is judicially set aside subsequent to
18 the firefighter's death, the surviving spouse is eligible for
19 the pension provided in paragraph (a) only if the judicial
20 proceedings are filed within 2 years after the date of the
21 dissolution of marriage and within one year after the
22 firefighter's death and the board is made a party to the
23 proceedings. In such case the pension shall be payable only
24 from the date of the court's order setting aside the judgment
25 of dissolution of marriage.

26 (h) Benefits payable on account of a child under this
27 Section shall not be reduced or terminated by reason of the
28 child's attainment of age 18 if he or she is then dependent
29 by reason of a physical or mental disability but shall
30 continue to be paid as long as such dependency continues.
31 Individuals over the age of 18 and adjudged as a disabled
32 person pursuant to Article XIa of the Probate Act of 1975,
33 except for persons receiving benefits under Article III of
34 the Illinois Public Aid Code, shall be eligible to receive

1 benefits under this Act.

2 (i) Beginning January 1, 2000, the pension of the
3 surviving spouse of a firefighter who dies on or after
4 January 1, 1994 as a result of sickness, accident, or injury
5 incurred in or resulting from the performance of an act of
6 duty or from the cumulative effects of acts of duty shall not
7 be less than 100% of the salary attached to the rank held by
8 the deceased firefighter on the last day of service,
9 notwithstanding subsection (d) or any other provision of this
10 Article.

11 (Source: P.A. 91-466, eff. 8-6-99.)

12 Section 90. The State Mandates Act is amended by adding
13 Section 8.27 as follows:

14 (30 ILCS 805/8.27 new)

15 Sec. 8.27. Exempt mandate. Notwithstanding Sections 6
16 and 8 of this Act, no reimbursement by the State is required
17 for the implementation of any mandate created by this
18 amendatory Act of the 93rd General Assembly.

19 Section 99. Effective date. This Act takes effect upon
20 becoming law."